THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.3361 of 2006

Date: 23-02-2006

Between:

Sri Venkateswara Rajaka Co-operative Society,

(Reg.) Muthyala Reddy Palli, Tirupati-2,

rep. by its President K.S.Mani. …Petitioner

and

1.The District Collector, Chittoor District,

at Chittoor. …Respondent

ORDER:

Petitioner filed this Writ Petition seeking a Writ of Mandamus declaring the inaction of the 3rd respondent in handing over the site in Survey No.214 situated at Vedanthapuram Agraharam Village, Tirupathi Rural Mandal, Chittoor District, by fixing boundaries as per the plan prepared by the Department itself on 27-11-2004, and also as per the permission granted by the 1st respondent in proceedings ROC.No.C/288/2005 dated

28-11-2005 as illegal and arbitrary, and consequently, to direct the 3rd respondent to handover site as per the above proceedings without any further delay.

In the affidavit filed in support of the Writ Petition, it is stated that on the representation made by the petitioner-Society, which is a Razaka Sangham, for allotment of site for construction of the Dhobighat in Survey No.214 situated at Vedanthapuram Agraharam Village, Tirupathi Rural Mandal, Chittoor District, the first respondent-District Collector, Chittoor, after receiving necessary report from the third respondent-Mandal Revenue Officer, Tirupathi, stating that the land in question is suitable for allotment to the petitioner-Society, passed order in Roc

No.C/288/2005, dated 28-11-2005, granting permission to the petitioner-Society to erect bore well and washing tubs without right to title over the said land. Consequently, the third respondent-Mandal Revenue Officer, Tirupathi, was requested to make an arrangement for the purpose of Dhobighat to the petitioner-Society. The grievance of the petitioner-Society is that the said order has not yet been implemented by the respondents. Hence, the writ petition.

Heard learned Counsel for the parties and perused the material available on record.

The grievance of the petitioner is with regard to the non-implementation of the impugned order passed by the first respondent on 28-11-2005 directing the third respondent to make an arrangement for the purpose of Dhobighat to the petitioner-Society. Till date, the land in question has not been allotted to the petitioner-Society for construction of Dhobighat. If the impugned order is still subsisting, there is no justification on the part of the third respondent in not making available the land in question to the petitioner-Society.

Having regard to the fact the impugned order was passed on 28-11-2005, and that same has not yet been implemented by the third respondent, I deem it just and proper to direct the third respondent to make available the land in question to the petitioner-Society within a period of four weeks from the date of receipt of a copy of this order.

Writ Petition is, accordingly, disposed of. No costs.

23-02-2006

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